

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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KATHLEEN CURNS and LINDA ZUKAITIS,	:	
	:	No. 06-CV-1336 (GLS)
Plaintiffs,	:	
	:	
v.	:	
	:	
WAL-MART STORES, INC.,	:	
	:	
Defendant.	:	
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JOINT PRETRIAL STIPULATION

The parties, having conferred among themselves, hereby respectfully submit this Joint Pretrial Stipulation pursuant to the Third Amended Trial Order in this action, dated April 12, 2010.

I. Basis of Federal Jurisdiction

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343, as this action involves claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.*; the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 *et seq.*; and the Americans With Disabilities Act, as amended, 42 U.S.C. §§ 12101 *et seq.* The Court has supplemental jurisdiction over Plaintiffs' related claims under the New York State Human Rights Law, New York Executive Law §§ 290 *et seq.*, pursuant to 28 U.S.C. § 1367(a).

II. List Of Exhibits Which Can Be Stipulated Into Evidence Or Which Will Be Offered Without Objection As To Foundation

EX. NO.	DESCRIPTION	DATE	BATES NO.
1	Open Door Communications Policy	5/1/04	D_586-88
2	K. Curns Statement of Account	3/31/05	D_2853-62
3	K. Curns Statement of Account	4/30/05	D_2843-52
4	L. Zukaitis Statement of Account	4/30/05	D_2885-94
5	Email to Frank Washburn re District Fashion Merchandiser Selection Process	5/5/05	D_1585
6	Email from Aaron Gillingham to Dana Reynolds and Jeremy A. Hollis	5/12/05	D_1108-09
7	E-mail to RPMs-WM Stores from Travis Bowman	5/12/05	D_1586
8	Email from Debra Goldfarb re FW: Talking Points for Dept Mgrs	5/12/05	P_124-25
9	MCS – Job Opening Detail	5/13/05	D_1826
10	Fashion Merchandiser Job Description	5/17/05	D_1592-95
11	MCS – Job Opening Detail	5/25/05	D_1830
12	MCS – Job Opening Detail	6/3/05	D_1623
13	Email from David Eaton to Micah Hawk	6/10/05	D_2391
14	Email from Micah Hawk to Michelle Gunther	6/28/05	D_2388
15	Letter from K. Curns to Micah Hawk	7/13/05	D_2323
16	Letter from Micah Hawk to L. Zukaitis	7/20/05	P_191
17	Letter from L. Zukaitis to Micah Hawk	7/28/05	P_206
18	Letter from Micah Hawk to L. Zukaitis	7/29/05	P_164
19	Email from Micah Hawk to K. Curns	9/21/05	P_11
20	Email from Karen Edgmon to Micah Hawk	10/6/05	D_2326
21	K. Curns Statement of Account	4/30/07	D_2863-72
22	K. Curns Statement of Account	4/30/08	D_2873-84
23	Letter from Micah Hawk to L. Zukaitis		P_198
24	Job Description for Store Manager/Co-Manager		D_2254-55
25	MCS - Job Opening Detail		D_1608
26	MCS - Job Opening Detail		D_1610
27	Job Description District Manager		D_2252-53
28	Job Description Fashion Merchandiser		D_1600-02
29	Interview Form for K. Curns		D_2490-93

EX. NO.	DESCRIPTION	DATE	BATES NO.
30	Employee Information Sheet Region 17		D_1605
31	Associate History Profile K. Curns		D_908-09
32	Associate Profile K. Curns		D_1894-96
33	Associate Profile L. Zukaitis		D_1624-25
34	Positions Applied for By K. Curns		D_1931-46
35	MCS - Job Opening Detail		D_1833
36	Handwritten note to Micah Hawk from Dave Eaton		D_2526
37	MCS - Job Opening Detail		D_2418
38	Job Description Fashion Merchandiser		D_1589-91
39	Job Applicant Details		D_1800-10
40	Positions Applied for By L. Zukaitis		D_1658-64
41	District Shoe Jewelry Manager Follow Up		D_2397-98
42	Email from Karen Edgmon	9/2/05	P_21
43	Email from Karen Edgmon	9/6/05	P_20
44	Email from Karen Edgmon	9/6/05	P_19
45	Email from Management Career Selection	9/21/05	P_18
46	Email from Micah Hawk	9/26/05	P_17
47	Email from Micah Hawk	9/28/05	P_15
48	Email from Management Career Selection	10/8/05	P_6
49	Associate Guide 2004		D_1-374
50	L. Zukaitis W-2 from Tractor Supply	2006	P_153
51	L. Zukaitis 2009 unemployment payment and 2008 and 2009 forms W-2		P_612-13

III. Relevant Facts Not In Dispute

1. Kathleen Curns was born on February 25, 1944.
2. Ms. Curns was hired by Wal-Mart on July 15, 1995.
3. Linda Zukaitis was born on April 23, 1953.
4. Ms. Zukaitis was hired by Wal-Mart on June 3, 1991.
5. As of May 12, 2005, Ms. Curns was a District Manager for Shoes and Jewelry in Region 17.

6. As of May 12, 2005, Ms. Zukaitis was a District Manager for Shoes and Jewelry in Region 17.

Dated: April 12, 2010
New York, New York

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